

1 H.575

2 Introduced by Representatives Larson of Burlington, Crawford of Burke,

3 Edwards of Brattleboro, Haas of Rochester, McDonald of

4 Berlin and Peltz of Woodbury

5 Referred to Committee on

6 Date:

7 Subject: Education; bullying

8 Statement of purpose: This bill proposes to expand the definitions of
9 “harassment” and “bullying” in the educational context to include actions
10 committed electronically. It would permit school administrators to discipline
11 students for actions conducted outside normal school hours and off school
12 grounds if the action substantially undermined or interfered with a student’s
13 educational performance or access to school resources or created an
14 intimidating, hostile, or offensive environment. In addition, it would authorize
15 use of nonschool resources to provide alternative education services to a
16 student who has been suspended or expelled for harassing or bullying another
17 student.

18 An act relating to harassment and bullying in educational settings

19 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 16 V.S.A. § 11(a)(26)(A) is amended to read:

2 (26)(A) “Harassment” means an incident or incidents of verbal, written,
3 visual, or physical conduct, including any incident conducted by electronic
4 means, based on or motivated by a student’s or a student’s family member’s
5 actual or perceived race, creed, color, national origin, marital status, sex,
6 sexual orientation, gender identity, or disability that has the purpose or effect
7 of objectively and substantially undermining and detracting from or interfering
8 with a student’s educational performance or access to school resources or
9 creating an objectively intimidating, hostile, or offensive environment.

10 Sec. 2. 16 V.S.A. § 11(a)(32) is amended to read:

11 (32) “Bullying” means any overt act or combination of acts, including
12 an act conducted by electronic means, directed against a student by another
13 student or group of students and which:

14 (A) is repeated over time;

15 (B) is intended to ridicule, humiliate, or intimidate the student; and

16 (C)(i) occurs during the school day on school property, on a school
17 bus, or at a school-sponsored activity, or before or after the school day on a
18 school bus or at a school-sponsored activity; or

19 (ii) does not occur during the school day on school property, on a
20 school bus, or at a school-sponsored activity and that has the purpose or effect
21 of objectively and substantially undermining and detracting from or interfering

1 with a student's educational performance or access to school resources or
2 creating an objectively intimidating, hostile, or offensive environment.

3 Sec. 3. 16 V.S.A. § 1162 is amended to read:

4 § 1162. SUSPENSION OR EXPULSION OF PUPILS

5 (a) A superintendent or principal may, pursuant to policies adopted by the
6 school board that are consistent with state board rules, suspend a pupil for up
7 to 10 school days or, with the approval of the board of the school district, expel
8 a pupil for up to the remainder of the school year or up to 90 school days,
9 whichever is longer, for misconduct;

10 (1) on school property, on a school bus, or at a school-sponsored activity
11 when the misconduct makes the continued presence of the pupil harmful to the
12 welfare of the school ~~or for misconduct;~~

13 (2) not on school property, on a school bus, or at a school-sponsored
14 activity where direct harm to the welfare of the school can be demonstrated; or

15 (3) not on school property, on a school bus, or at a school-sponsored
16 activity where the misconduct has the purpose or effect of objectively and
17 substantially undermining and detracting from or interfering with a student's
18 educational performance or access to school resources or creating an
19 objectively intimidating, hostile, or offensive environment.

20 (b) Nothing contained in this section shall prevent a superintendent or
21 principal, subject to subsequent due process procedures, from removing

1 immediately from a school a pupil who poses a continuing danger to persons or
2 property or an ongoing threat of disrupting the academic process of the school,
3 or from expelling a pupil who brings a weapon to school pursuant to section
4 1166 of this title.

5 ~~(b)~~(c) Principals, superintendents, and school boards are authorized and
6 encouraged to provide alternative education services or programs to students
7 during any period of suspension or expulsion authorized under this section,
8 including appropriate nonschool resources as part of a comprehensive response
9 to misconduct.

10 Sec. 4. EFFECTIVE DATE

11 This act shall take effect upon passage.